

Notice of Allowability

Application No.

09/709,249

Examiner

G. R. Ewoldt, Ph.D.

Applicant(s)

LAZARUS ET AL.

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/23/03.
2. ☒ The allowed claim(s) is/are 3-5.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

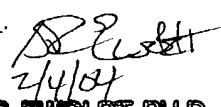
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


2/4/04
G.R. EWOLDT, PH.D.
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. Claims 3, 4, and 5 are allowed.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with David Resnick on 2/03/04.

IN THE SPECIFICATION:

3. On page 1, line 3, after "A METHOD FOR PREVENTING AND INHIBITING HUMAN HLA ALLOIMMUNE RESPONSE TO PLATELET TRANSFUSION", --This application claims the benefit of priority of U.S. Provisional Application No. 60/164,777, filed November 12, 1999.-- has been inserted.

IN THE CLAIMS:

4. Claims 1 and 2 have been canceled.
5. In Claim 3, lines 3 and 4, "a) presensitizing platelets with at least one monoclonal antibody against HLA Class I, an F(ab')₂ fragment thereof or a β 2-microglobulin;", has been changed to "presensitizing platelets with at least one monoclonal antibody, or an F(ab')₂ fragment thereof, against HLA Class I or a β 2-microglobulin;".
6. In Claim 5, line 1, "in an alloimmunized patient, comprising the steps of:", has been changed to "A method for inhibiting refractoriness to subsequent transfusions in an alloimmunized patient, comprising the steps of:", lines 3 and 4, "a) presensitizing platelets with at least one monoclonal antibody against HLA Class I, an F(ab')₂ fragment thereof or a β 2-microglobulin;", has been changed to "presensitizing platelets with at least one monoclonal antibody, or an F(ab')₂ fragment thereof, against HLA Class I or a β 2-microglobulin;".
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Gerald Ewoldt whose telephone number is (571) 272-0843. The examiner can normally be reached Monday through Thursday from 7:30 am to 5:30 pm. A message may be left on the examiner's voice mail


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service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841.

Please Note: inquiries of a general nature or relating to the status of this application should not be directed to the Examiner but rather should be directed to the Technology Center 1600 Customer Service Center at (703) 308-0198.

G.R. Ewoldt, Ph.D.
Primary Examiner
Technology Center 1600


2/4/07
G.R. EWOLDT, PH.D.
PRIMARY EXAMINER